

REMARKS

Reconsideration is respectfully requested.

Claims 23, 26 through 32, 34, 37 through 44, and 46 remain in this application. Claims 1 through 22, 24, 25, 33, 35, 36 and 45 have been cancelled. No claims have been withdrawn. Claims 47 through 49 have been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraphs 1 and 2 of the Office Action

Claim 33 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Schultheiss in view of Amano and Hall.

Claim 33 has been cancelled, and therefore it is submitted that the §103(a) rejection of claim 33 is moot.

Paragraph 3 through 6 of the Office Action

Claim 45 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Schultheiss in view of Amano and Hall, and further in view of Schindler et al.

Claims 23, 32, 34, 39 and 41 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Schultheiss in view of Amano and Applicant's allegedly admitted prior art.

Claims 26, 37, and 42 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Schultheiss in view of Amano and Applicant's allegedly admitted prior art, and further in view of Hall.

Claims 27 through 31, 38, 40, 43, 44, and 46 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Schultheiss in view of

Amano and Applicant's allegedly admitted prior art, and further in view of Schindler et al.

Claim 23, particularly as amended, defines a mouse device and requires "a housing having a bottom wall for resting on a surface during use and an upper wall extending upwardly from a perimeter of the bottom wall that defines an interior of the housing above the bottom wall", "a cursor control device *disposed on and extendable through the bottom wall* of the housing such that movement of the bottom wall of the housing across the surface actuates the cursor control device", and "at least one *multimedia control device disposed on the upper wall* of the housing, the at least one multimedia control device being configured to control only the multimedia device of the computer". Claim 34 defines a system and requires "a pointing device having: a housing having a bottom wall for resting on a surface during use and an upper wall extending upwardly from a perimeter of the bottom wall that defines an interior of the housing above the bottom wall", "a cursor control device *disposed on and extendable through the bottom wall* of the housing such that movement of the bottom wall of the housing across the surface actuates the cursor control device" and "a control for controlling a function of the multimedia device...[and] being *disposed on the upper wall of the housing*". Claim 41 defines a system that includes requirements similar but not identical to claim 23. These features of the invention are submitted to be clearly evident from the disclosure of the application, particularly the drawings.

Turning to the art relied upon in the rejections of the Office Action, it is noted that the Schultheiss patent shows a remote control (50) which has all controls on the front face of the control, which is common to most if not all remote controls. Clearly, the remote control of Schultheiss is not intended to be rested and moved across a surface to cause cursor movement, so the requirements of claims 23, 34, and 41. Similarly, the Amano patent shows a remote control with only one control. so it does not lead one of

ordinary skill in the art to modify the Schultheiss device to meet the requirements of the present claims. The Hall patent provides no disclosure as to the disposal of controls on a device. The Schindler patent shows a trackball that is positioned on the top face of the control, adjacent to the mouse button.

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of the Schultheiss, Amano, Hall, and Schindler patents set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 23, 34, and 41, as well as the claims that depend from these claims.

Withdrawal of the §103(a) rejections of claims 23, 26 through 32, 34, 37 through 44, and 46 is therefore respectfully requested.

New Claims

Claims 47 and 48 each require that "the upper wall of the housing comprises a top wall portion and a perimeter wall portion extending between the top wall portion of the upper wall and the bottom wall, the mouse button being disposed on the top wall portion of the upper wall and the at least one multimedia control device being disposed on the perimeter wall portion of the upper wall". It is submitted, for the reasons set forth above, that these requirements are foreign strange to the disclosures of the cited patents.

New claim 49 depends from claim 48, and requires that "the at least one multimedia control device comprises multiple actuators, and at least one actuator is disposed on the top wall portion of the upper wall and at least one actuator is disposed on the perimeter wall portion of the upper wall". Again, this is submitted to be strange to the teachings of the cited patents.

Allowance of the new claims is respectfully requested.

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CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

WOODS, FULLER, SHULTZ & SMITH P.C.



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Jeffrey A. Proehl (Reg. No. 35,987)

Customer No. **40,158**

P.O. Box 5027

Sioux Falls, SD 57117-5027

(605)336-3890 FAX (605)339-3357